IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition No. 245 of 2003 (S/S)

Narendra Singh Negi …… Petitioner

Versus

The State of Uttaranchal & others …… Respondents

Mr. N.S. Negi, learned counsel for the petitioner.
Mr. Rakesh Chand, learned Standing Counsel for the State.

Hon. P.C. Verma, A.C.J.

By means of this writ petition the petitioner has prayed for a writ of mandamus to command the respondents to appoint him under dying in harness Rule according to his qualification.

Heard Mr. N.S. Negi, learned Counsel for the petitioner and Mr. Ramesh Chand, learned Standing Counsel for the respondents.

The application of the petitioner was rejected as per the statement of learned counsel for the petitioner on the ground that the application was beyond time and was not moved within time. Learned counsel for the petitioner submitted that before rejecting the application the matter should have been considered by respondent No. 4. The proviso appended to Rule 5 of the U.P. Recruitment of Dependents of Government Servant under dying in harness Rule 1974, empowers the State Government to condone the delay, if cause shown for the delay is for valid reason.

Therefore, the respondent No. 4 is directed to refer the matter to the State Government for granting regularization as contained in proviso appended to Rule 5 of dying in harness rule, 1974 and if he regularization is granted and delay

condoned, the petitioner shall be appointed under the dying in harness rule. The entire exercise shall be completed within a period of one month from the date of production of certified copy of this Order.

Petition is disposed of accordingly.

(P.C. Verma, A.C.J.)

Dt. 11.06.2004
HN